

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, VISN 16, VA Gulf Coast Veterans Health Care System, Station 520, 400 Veterans Avenue, Biloxi, MS 39531, the Engineering department requests sole source for installation and repair of existing EST III fire alarm system and installation of handicap accessible fire exit in building 53 to expedite correction of fire code deficiencies from E&B Construction.

2. Nature and/or Description of the Action Being Processed: The identified fire code deficiencies must be corrected quickly due to life safety Code and Joint Commission requirements. The fire alarm system for the campus is an Edwards EST III system. This system consists of fire alarm panels in every building residing on two separate networks that are tied together through Fireworks fire alarm software. E&B will have to utilize a representative for Edwards fire alarm systems who is the only vendor in the area authorized to work on these systems. Additionally, the required fire exit for building 1 will soon be closed due to the construction of the new covered walkway currently started. The north exit for building 53 which is the old smoking area will have to be altered to serve as the required handicap fire exit for building 1 and 53. Work to alter this exit is included in this project.

3. Description of Supplies/Services Required to Meet the Agency's Needs: E&B Construction will provide all labor and materials necessary to make upgrades and repair the existing EST III fire alarm system and add a handicap accessible fire exit to building 53.

4. Statutory Authority Permitting Other than Full and Open Competition:

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- (X) (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority): In accordance with FAR 6.302 "Circumstances Permitting Other than Full and Open Competition" the following statutory authority is cited as justification to award a sole source Veteran Owned Small Business contract valued less than \$5,000,000 (authority ceiling limit)

Far 6-302-5 "Authorized or Required by Statute"

(a) Authority.

(1) Citations: 10 U.S.C 2034(c)(5)

(2) Full and Open Competition need not be provided for when –

(i) A statute expressly authorizes

Statute: P.L 109-461 Sec. 502 as codified in 38 U.S.C. § 8127(c)

Sole Source Contracts for Contracts Above Simplified Acquisition Threshold- For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if--

(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$5,000,000; and

(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The contracting officer has validated that the contractor is registered and certified in the VA VetBiz.gov data base and qualifies as "small" in accordance with federal small business size standards for the applicable North American Industry Classification System (NAICS) code assigned to the procurement.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: NA

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: An E&B Construction quote is attached. We have reviewed the quote and price sheet and compared this with current rates. We find the estimate to be fair and reasonable.

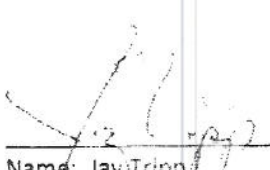
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Currently E&B Construction is one of our IDIQ contractors being utilized to perform work on this campus and has demonstrated their ability to accomplish work in a timely manner.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: NONE

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: NONE

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required: NONE

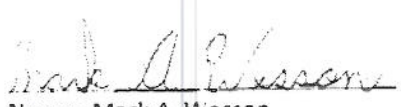
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Name: Jay Tripp
Title: Chief Engineer
Facility: 520

September 21, 2012
Date

13. Approvals in accordance with FAR 6.304

a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Name: Mark A. Wesson
CONTRACTING OFFICER
Facility: 520

September 21, 2012
Date

b. **Deputy NCM** I certify the justification meets requirements for restricting consideration for other than full and open competition per FAR 6.302-5.


David Miller
DEPUTY NETWORK CONTRACT MANAGER
VISN 16

21 Sep 2012
DATE